

MONTANA LEGISLATIVE HISTORY

Chapter 546 19 95

Bill H _____ S 345

Original bill & history ☒ C

H. Committee on State Administration

Hearing Date(s) Mar 15 ☒ C

Mar 21 ☒ C

_____ ☐ C

_____ ☐ C

Date Out Mar 21 ☒ C

S. Committee on State Administration

Hearing Date(s) Feb 15 ☒ C

Feb 18 ☒ C

_____ ☐ C

_____ ☐ C

Feb 18 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

Conference Committee Apr 07

SB 345 INTRODUCED BY SWYSGOOD, ET AL.
 IMPLEMENT RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE TO
 RENEW MONTANA GOVERNMENT BY CREATING A NEW DEPARTMENT
 OF PUBLIC HEALTH AND HUMAN SERVICES
 BY REQUEST OF THE OFFICE OF THE GOVERNOR

2/09	FISCAL NOTE REQUESTED		
2/10	INTRODUCED		
2/10	FIRST READING		
2/10	REFERRED TO STATE ADMINISTRATION		
2/14	FISCAL NOTE RECEIVED		
2/14	FISCAL NOTE PRINTED		
2/15	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED		
3/03	2ND READING PASSED AS AMENDED	37	12
3/04	3RD READING PASSED	34	13
	TRANSMITTED TO HOUSE		
3/06	FIRST READING		
3/06	REFERRED TO STATE ADMINISTRATION		
3/15	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED		
3/27	2ND READING CONCURRED AS AMENDED	53	46
3/29	3RD READING CONCURRED	62	37
	RETURNED TO SENATE WITH AMENDMENTS		
4/05	2ND READING AMENDMENTS NOT CONCURRED	48	2
4/06	CONFERENCE COMMITTEE APPOINTED		
4/07	CONFERENCE COMMITTEE REPORT NO. 1		
4/07	HEARING		
4/08	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	34	14
4/10	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	34	15
	HOUSE		
4/06	CONFERENCE COMMITTEE APPOINTED		
4/07	CONFERENCE COMMITTEE REPORT NO. 1		
4/11	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	59	39
4/12	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	56	44
4/18	SIGNED BY PRESIDENT		
4/18	SIGNED BY SPEAKER		
4/18	TRANSMITTED TO GOVERNOR		
4/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 546		
	EFFECTIVE DATE: 07/01/95		

SB 346 INTRODUCED BY FORRESTER, ET AL.
 ALLOW BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES TO
 TEMPORARILY MODIFY WATER QUALITY STANDARDS
 BY REQUEST OF THE DEPARTMENT OF HEALTH & ENVIRONMENTAL
 SCIENCES

2/10	INTRODUCED		
2/10	FIRST READING		
2/10	REFERRED TO NATURAL RESOURCES		
2/11	FISCAL NOTE REQUESTED		
2/13	HEARING		
2/17	FISCAL NOTE RECEIVED		
2/17	FISCAL NOTE PRINTED		
2/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		

SENATE BILL NO. 345

INTRODUCED BY

BY REQUEST OF THE OFFICE OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE GOVERNOR'S TASK
FORCE TO RENEW MONTANA GOVERNMENT BY CREATING A NEW DEPARTMENT OF PUBLIC HEALTH AND HUMAN
SERVICES; TRANSFERRING ALL PROGRAMS CURRENTLY ADMINISTERED BY THE DEPARTMENT OF SOCIAL AND
REHABILITATION SERVICES TO THE NEW DEPARTMENT; TRANSFERRING ALL PROGRAMS CURRENTLY
ADMINISTERED BY THE DEPARTMENT OF FAMILY SERVICES TO THE NEW DEPARTMENT, WITH THE EXCEPTION
OF JUVENILE CORRECTIONS PROGRAMS; TRANSFERRING JUVENILE CORRECTIONS PROGRAMS TO THE
DEPARTMENT OF CORRECTIONS; TRANSFERRING THE MENTAL HEALTH PROGRAMS, SUBSTANCE ABUSE
PROGRAMS, AND DEVELOPMENTAL DISABILITIES PROGRAMS AND ASSOCIATED PROGRAMS AND SUPPORT STAFF
CURRENTLY ADMINISTERED BY THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES TO THE NEW
DEPARTMENT; TRANSFERRING ALL HEALTH SERVICES PROGRAMS CURRENTLY ADMINISTERED BY THE
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO THE NEW DEPARTMENT, EXCEPT FOR
LABORATORY SERVICES; ABOLISHING THE EXISTING DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
AND THE EXISTING DEPARTMENT OF FAMILY SERVICES; CONTINGENTLY ABOLISHING THE BOARD OF HEALTH
AND ENVIRONMENTAL SCIENCES AND TRANSFERRING ITS DUTIES TO THE NEW DEPARTMENT; CHANGING THE
NAME OF THE BOARD OF SOCIAL AND REHABILITATION APPEALS TO THE BOARD OF PUBLIC ASSISTANCE;
CHANGING THE NAME OF THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES TO THE DEPARTMENT OF
CORRECTIONS; CHANGING THE NAME OF THE BOARD OF PARDONS TO THE BOARD OF PARDONS AND PAROLE;
CHANGING THE NAME OF THE WOMEN'S CORRECTIONAL CENTER TO THE WOMEN'S CORRECTIONAL SYSTEM;
AMENDING SECTIONS 2-4-102, 2-15-104, 2-15-211, 2-15-225, 2-15-231, 2-15-232, 2-15-1845, 2-15-1875,
2-15-2109, 2-15-2201, 2-15-2203, 2-15-2204, 2-15-2205, 2-15-2210, 2-15-2212, 2-15-2301, 2-15-2302,
2-15-2402, 2-18-103, 2-18-303, 3-10-601, 7-4-2913, 7-6-2427, 7-13-4502, 7-22-2151, 7-32-2222, 7-32-2242,
7-33-2402, 7-34-2301, 7-34-2412, 10-2-401, 10-2-402, 10-2-403, 10-2-404, 10-2-416, 10-2-417, 13-2-402,
15-6-201, 15-6-209, 15-25-121, 15-25-122, 15-30-128, 15-30-303, 15-60-101, 15-60-201, 16-1-404, 16-1-408,
16-1-411, 16-11-119, 17-3-1001, 17-3-1002, 17-4-105, 17-5-430, 17-5-432, 17-8-303, 18-2-301, 18-4-133,
18-4-313, 18-5-402, 20-5-321, 20-5-402, 20-6-621, 20-6-624, 20-7-404, 20-7-436, 20-8-116, 20-25-421,
20-25-604, 20-26-1407, 23-1-302, 23-1-303, 23-1-312, 23-5-112, 27-1-718, 27-6-206, 27-32-302, 31-3-141,
33-22-702, 33-22-705, 33-22-1202, 37-2-104, 37-2-301, 37-7-103, 37-9-101, 37-14-322, 37-21-101, 37-27-320,
37-27-321, 37-30-307, 37-30-412, 37-30-422, 37-31-204, 37-31-308, 37-31-331, 37-41-104, 39-30-103,
39-30-106, 39-30-107, 39-71-743, 39-71-744, 39-71-1003, 39-71-1004, 39-71-1011, 39-71-1014, 39-71-1031,
39-71-2001, 40-1-107, 40-1-203, 40-1-204, 40-1-206, 40-1-208, 40-1-209, 40-4-204, 40-4-205, 40-4-208,

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN ETHEL HARDING, on February 15, 1995,
at 10:05 A.M.

ROLL CALL

Members Present:

Sen. Ethel M. Harding, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Mike Foster (R)
Sen. Don Hargrove (R)
Sen. Vivian M. Brooke (D)
Sen. Bob Pipinich (D)

Members Excused: Sen. Jeff Weldon (D)

Members Absent: N/A

Staff Present: David Niss, Legislative Council
Gail Moser, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 345
Executive Action: N/A

{Tape: 1; Side: B; Approx. Counter: 55.6}

HEARING ON SB 345

Opening Statement by Sponsor:

SENATOR CHUCK SWYSGOOD, Senate District 17, Dillon, opened the hearing on SB 345, which would reorganize human service programs and eliminate the departments of Social and Rehabilitation Services and Family Services, consolidating them into a new Department of Public Health and Human Services (EXHIBIT 1).

Proponents' Testimony:

Peter Blouke, Director, Department of Social and Rehabilitation Services, stated SB 345 would facilitate and improve the state's capacity to provide more efficient and effective services to consumers (EXHIBIT 2). He stated the legislation does not reduce the level of services provided by the state, but would enhance services within the existing resources. He noted the bill was developed over a long period of time, and much thought and discussion had gone into its development.

Rick Day, Director, Department of Corrections and Human Services, voiced support for SB 345.

Hank Hudson, Director, Department of Family Services, discussed current cross-coordination and linkages between existing agencies, the need to reinstitute public confidence in state government at the local level--i.e., decision making, support, and the administrative efficiencies that will be realized by the consolidation of current programs and departments.

Donald Harr, M.D., Montana Medical Association Advisory Council/Montana Psychiatric Association, expressed support for the reorganization of the developmental disabilities, substance abuse, and mental health programs in Montana.

Kathy McGowan, Montana Council of Mental Health Centers/Task Force Member, covered the process utilized in the development of the recommendations embodied in SB 345. Three key points were defined by those individuals working on the mental health component: the delivery of consumer services in the communities; decentralization from Helena; and a minor emphasis on dollar savings. She said the recommendations were not constructed due to a lack of satisfaction in the current departments. Ms. McGowan added that their committee members did not agree with moving juvenile corrections programs into the Department of Corrections. She stated that another task force had been studying this issue for over a year, and their committee members felt it would be presumptuous for the Governor's Task Force, which covered a broader scope, to override the study and recommendations of those individuals who have studied this issue in depth.

Glen McFarlane, Montana Association of Homes and Services for Children, representing private providers, spoke in support of SB 345. He stated providers have experienced the frustrations and confusions of dealing with multiple agencies and policies. He noted the organization was concerned with locating the juvenile corrections programs in the Department of Corrections.

Candy Wimmer, Youth Justice Council, stated the Council was neutral on the bill but did support an amendment that would remove the recommendation placing the juvenile corrections programs in the Department of Corrections.

Gene Lewwer, Executive Director, Rocky Mountain Development Council, stated his organization contracted with the Departments of Corrections, Labor, Family Services, and Social and Rehabilitation Services.. He stated the unified agency approach to the delivery of human services, combined with the commitment to decentralization, will improve services in Montana.

Charles Briggs, Rocky Mountain Aging Agency, reiterated on the amount of discussion and forethought that had gone into the development of SB 345. He encouraged the development of a comprehensive, unified delivery system for Montana's agencies and decentralization from Helena.

Opponents' Testimony:

David Hemion, Mental Health Association of Montana, stated on the whole, the Association supported the reorganization of the mental health services delivery system. He expressed a concern with moving the juvenile corrections component into the Department of Corrections.

Dave Bennett, Mental Health Association of Montana, concurred with David Hemion's testimony, noting the history of the integration of juvenile/adult services was detrimental to the juvenile corrections population, jostling them between departments and providers while fragmenting services. He noted there is a recommendation from the Board of Crime Control to amend SB 345 by returning youth corrections to the Department of Family Services.

{Tape: 1; Side: B; Approx. Counter: 55.9}

Cris Volinkaty, Executive Director, Comprehensive Development Center, Missoula, expressed concern about the changes in the delivery of services to the developmentally disabled population, which she testified were adequate. She expressed specific worries about regionalization and the availability of regional providers for this group of individuals.

Joan-Nell MacFadden, Chairman, Department of Family Services Advisory Council, stated the Council wanted to go on record as opposing the reorganization. The Council's concerns were in the details of SB 345 and the effects on the delivery of services, i.e., staffing, timelines, chain of command, and location of services. She also questioned the move of juvenile corrections services from the Department of Family Services to the Department of Corrections. She expressed support for the movement of mental health services to the Department of Family Services.

REPRESENTATIVE JOHN COBB, House District 50, Augusta, stated the legislation was a solution looking for a problem. He questioned the specifics of SB 345, noting 25 FTE would be eliminated after a total reorganization of two state departments, and the fiscal note stated ultimate savings to the state would not be realized until the 1999 biennium and beyond. REPRESENTATIVE COBB also questioned why department directors could not be more efficient within the current structure. He also testified on the hardships of decentralization and reorganization on staff, computer systems, and departments, adding the legislation provides no funds for the process and no specifics. REPRESENTATIVE COBB also offered amendments to SB 345 (EXHIBIT 3) dealing with outcomes and organizational structure.

Andre Larose, Montana Advocacy Program, read prepared testimony offering a neutral position on SB 345. The testimony also offered observations and input regarding their Program's fears of the mega-agency that would replace the existing agencies and the delivery of mental health and developmental disabilities services (EXHIBIT 4).

A letter from Tom Carlin, Chairman, Montana Committee for Emotionally Disturbed Children, was presented to the Committee in opposition to the movement of youth corrections into the Department of Corrections (EXHIBIT 5).

Questions From Committee Members and Responses:

SENATOR MIKE FOSTER questioned Senator Swysgood on the decentralization component of SB 345 and asked for its location in the bill. SENATOR SWYSGOOD stated that component had yet to be worked out and time was needed to put it together, and therefore, it was not specifically spelled out in the bill.

SENATOR FOSTER asked if there was a connection between SB 345 and SB 234, as the Department of Health was reorganized in both bills. SENATOR SWYSGOOD answered that the only connection was that both bills reorganized portions of the Department of Health.

SENATOR FOSTER continued by questioning the elimination of the Board of Health. Peter Blouke responded that 95% to 96% of the current functions of the Board of Health impacted environmental issues. The consolidation and relocation of environmental activities was embodied in SB 234.

SENATOR FOSTER then asked Hank Hudson to list the juvenile corrections programs. Mr. Hudson relayed that the components within the Juvenile Corrections Division included Pine Hills School, Mountain View School, Youth Parole, two transitional facilities, (Great Falls and Billings), as well as community based corrections programs run in conjunction with the Board of

Crime Control, local schools and youth courts/corrections officers.

SENATOR KEN MESAROS asked how the current reorganization language in SB 345 would affect these components. Hank Hudson replied the above mentioned programs would be administered in the Department of Corrections.

SENATOR DON HARGROVE questioned the task force methodology of possibly following form rather than function. Peter Blouke expressed strong disagreement with the issues raised by Representative John Cobb. He stated function was evaluated and end outcomes determined prior to determining the process to meet these needs. He used the example of mental health services, which are now scattered between three departments.

SENATOR MACK COLE inquired about the impact of implementation on local staff. SENATOR SWYSGOOD reported they were a key component under decentralization.

SENATOR COLE further questioned the move of the juvenile corrections program. SENATOR SWYSGOOD stated the resources and services are more compatible with the adult corrections services than with the health services component of the newly organized department.

SENATOR VIVIAN BROOKE asked Hank Hudson about the 37 out of 44 co-located agencies, which, under the reorganization, are not consolidated. Mr. Hudson replied that, in these instances, co-location does not necessarily mean physical location or proximity.

SENATOR BROOKE followed up by asking Mr. Hudson how much of the reorganization has been discussed with regional administrators. Mr. Hudson replied that the discussion on the actual design of the reorganized agencies is just beginning to take place. Upon passage of SB 345, management teams and others who are interested would work on developing the structure of the new agency. SENATOR BROOKE asked if any information and input from the regional administrators was available to legislators. Mr. Hudson replied a formal process would be developed upon passage.

SENATOR BROOKE asked Cris Volinkaty to comment on the costs of institutionalization versus community-based services. Ms. Volinkaty responded that services for a severely profound developmentally disabled individual at Montana Developmental Center are \$112,000 a year, while the same services can be provided for \$60,000 in community-based service settings.

Closing by Sponsor:

SENATOR SWYSGOOD thanked the Committee for a good hearing and reiterated the need for change to meet the needs of the public with limited dollars. He said SB 345 "Gives us a barn to start out of," and is not meant to reinvent the appropriations process. He encouraged individuals concerned about the shift of youth corrections services to the Department of Corrections to discuss the issue with department directors. He stated SB 345 is an on-going process, allowing for decentralization, with the results not available until the 1999 biennium and beyond.

MONTANA SENATE
1995 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE _____

US 02-15-95

[illegible]

SEN:1995
wp.rollcall.man
CS-09

Proposed Reorganization of Human Service Programs
and Elimination of Three State Departments

The reorganization of human service programs will result in the elimination of the Departments of Social and Rehabilitation Services, and Family Services and consolidation of those programs in a new department of Public Health and Human Services. The public health functions of the Department of Health and Environmental sciences will be transferred to the new department while environmental programs will be transferred to new departments dealing with environmental quality and natural resource management. The Department of Health and environmental Sciences will then be eliminated. In addition, all of the human service functions currently located at the Department of Corrections and Human Services will be transferred to the new department.

As a result of the consolidation of three departments and elimination of duplicated functions, approximately 25 administrative and management positions will be eliminated over the biennium.

Consolidation of human service programs under a single administrative direction will accomplish four major goals:

- 1) **Increase Efficiency And Use Of Scarce Public Resources:** Consolidation of administrative and support functions such as accounting, personnel and facilities management will result in improved efficiency and significant cost savings.
- 2) **improve program coordination:** Services will be improved through coordination and integration of similar programs and the development of uniform and consistent policies, simplification of eligibility and development of a common, department-wide mission and purpose.
- 3) **enhance opportunities for program collocation:** Physical collocation of services can be more easily accomplished if lease and facility management are under the direction of a single agency.
- 4) **facilitate administrative decentralization:** The creation of a single human services department is also seen as a necessary first step towards shifting control from the state to the local program level.

PROPOSED STRUCTURE: A new department will be created called the Department of Public Health and Human Services. Programs currently administered by the departments of Social and Rehabilitation Services and Family Services such as Medicaid, Family Assistance, services to children and the elderly will be consolidated in the new department and those departments will be eliminated. The human service functions currently located at the Department of Corrections and Human Services (specifically mental health programs including institutional programs, developmental disabilities programs, substance abuse programs and the Veterans Home) will also be transferred to the new department. Administration of youth correctional programs will be transferred from the Department of Family Services to the Department of Corrections. All of the health related programs currently administered at the Department of Health and Environmental Sciences such as Maternal and Child Health, Preventive Health Services, Women Infant and Children, Licensing and Certification, and the local Public Health programs will be integrated with other health programs within the new Department of Public Health and Human Services.



CITY OF BILLINGS

OFFICE OF CITY ADMINISTRATOR

P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 657-8433

FAX (406) 657-8390

EMAIL: mswatson@billings.ltb.mt.us



February 15, 1995

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 02-15-95

BILL NO. 88345

Mr. Dave Ashley
Administrative Offices
State of Montana
Helena, Montana 59620

RZ: SENATE BILL 345

Dear Mr. Ashley:

As a former member of the Governor's Task Force, it was my privilege to serve on the subcommittee that studied the health and human services area. As we studied this issue, we became keenly aware of the complications of providing quality customer service to all Montanans.

As a result of our deliberations over approximately nine months, it was the recommendation of our subcommittee that a significant restructuring of the health and human services area be completed. Those recommendations are contained in Senate Bill 345. I am very confident in those recommendations and feel that it will reduce the barriers that we found obstructing the provision of service to our citizens.

I would strongly urge the committee to consider endorsement of Senate Bill 345. The content of its recommendations will improve the provision of service through a singular agency with a purpose and sensitize the State organization to the many needs of our citizens. If the committee desires more detailed information, I can answer any specific questions about our study, please feel free to contact me in Billings.

Very truly yours,

Mark S. Watson
City Administrator
Member, State Government Committee
Governor's Task Force

MSW:bm

Billings Public
Citywide

AMENDMENT NUMBER 1

1. change effective date on page 352, line 23 to July 1, 1998.

AMENDMENT NUMBER 2

1. NEW SECTION

1. no reorganization shall take place until the following outcomes are determined by the agency and dates for implementation of meeting these goals subject to approval by the legislature.

- a. infant mortality rate

- low birth weight rates

- teenage pregnancy rate

- reported case of preventable diseases in children

- percentage of low birth weight babies in target population

- percent of teenage pregnancy amount those participating in

- educational or training programs

- projected low birth weight birth prevented

- projected infant deaths prevented

- number of afdc securing employment each year

- number of applicants receiving service

- number of children for whom paternity has been established

- number of child support obligations established

- number of AFDC cases transferred to non afdc status

- number of paternity actions filed

- number of actions filed to establish or modify child support obligations

- number of collection actions

- average turnaround time to pay first child support obligation

- average days turnaround time for initial review and first payment

- change in percentage of pregnancies to single teens

- long term care

1. percent of clients in the continuum of care served in community settings

2. percentage change in medicaid in utilization of ICF facilities and nursing facilities

3. percentage of providers meeting minimum quality standards

- AFDC

1. length of time a household receives afdc as a percent from 0 to 12 months.

2. from 12 to 24 months

3. more than 24 months

4. plan to reduce by 10 percent number of afdc within two years by 5%, by 10%, by 15%.

5. percent of individuals completing jobs training whose salary

is above minimum wage

6. percent of afdc caretakers who leave afdc because of increased earnings due to employment per year

7. percent of food stamp participants who enter employment per year

8. number of jobs participants who complete component activity or become employed each month

DD.

1. percent of eligible people with disabilities placed in competitive employment or other appropriate settings where served by vocational rehabilitation

2. percent of employed rehabilitants earning at least minimum wage

3. percent of people with disabilities in need of vocational rehabilitation services receiving services

Children.

1. ratio of the number of children who were investigated for abuse and neglect to the number of children reported to be at risk of abuse and neglect

2. percent of children needing protective services who receive direct services from staff

3. average caseload per worker

4. percent of children found through an assessment and investigation to be in need of protection who received services beyond investigation

5. percentage of children for whom the permanency plan was achieved within 24 months

6. ratio of children needing out of home placements to the number of foster home spaces available

7. percentage of children receiving purchased supportive and or rehabilitative service while in substitute care

8. number of available foster home placements

9. number of available adoptive home placements

10. case recidivism at Pine hills

11. case recidivism at Mountain View

12. case recidivism for children in different programs

13. percentage of children followed up for 6 months

14. followed up for 12 months, for 18 months for 24 months that are in custody of DFS or were in custody of DFS

2. the organizational structure shall evolve around the above and other functions to meet the goals of the legislature and the people we represent.

AMENDMENT NUMBER 3

organizational structure

in order to reorganize the following management structure shall be adopted.

1. the layers of management between the top and the bottom shall

be narrowed. There shall be no more than 4 layers at the most.

2. A ratio of no lower than 1 to 15 shall be the number of employees managed by the typical manager. There shall be no exceptions except by direct approval of the approving authority as well as the legislature.

3. An reducing of employees or downsizing shall be accompanied by at least a 25% reduction in the number of tasks performed. All reductions shall be reported to the legislature with the number of tasks reduced.

4. the number and total length of rules shall be reduced by at least 10 percent by July 1, 1996.

5. all training records shall be placed on the accounting system.

6. the largest layoffs or downsizing shall occur at the headquarters and main office management.

AMENDMENT NUMBER 4

Allow Limitation

MONTANA ADVOCACY PROGRAM, Inc.

316 North Park, Room 211
P.O. Box 1680
Helena, Montana 59624

(406)444-3889
1-800-245-4743
(VOICE - TDD)
Fax #: (406)444-0261

February 15, 1995

Senator Ethel Harding
Senate State Administration Committee
State Capitol
Helena, Montana 59620

Re: SB 345

Mr. Chair and Members of the Committee:

For the record, my name is Andree Larose and I am a staff attorney for the Montana Advocacy Program. Montana Advocacy Program is a non-profit organization which advocates the rights of individuals with disabilities. We are here to testify, neither in support of or in opposition to SB 345, but to offer some observations and input regarding the reorganization of state government.

1. We are somewhat fearful of the mega-agency that would result under the proposed reorganization. We are concerned that an agency which is so big will lose some of the "human touch." On the other hand, we do think the consolidation of human services is needed, at least to a greater extent than currently occurs.
2. At an absolute minimum, we urge you to move mental health services from the Department of Corrections and Human Services. Corrections and mental health services should not continue in the same department, as the two systems require an entirely different background, experience and mindset. The department is often headed by someone with a corrections background; it is a disservice to people with mental illness to continue to have their needs and interests determined by the Department of Corrections and Human Services.
3. For the same reasons, we urge you to move developmental disabilities services to the department of Social and Rehabilitation Services. Under the current system, SRS provides community services for persons with developmental disabilities; DCHS provides institutional services for persons with developmental disabilities. We think the reasons that might exist for keeping all "institutions" in the same department, both correctional or disability treatment oriented, are far outweighed by the advantages of separating those two types of institutions and integrating disability services into a more human services focused agency. Often when we attempt to move an individual with a developmental disability who is inappropriately institutionalized into community services, we encounter finger-pointing between DCHS and SRS over whose responsibility it is to see that the individual's need for services in the least restrictive

environment is met. An integration of community and institutional developmental disabilities services would hopefully eliminate this shifting of responsibility and allow for a more coordinated, efficient management of funds to meet the needs of the clients on a continuum of care.

4. We are very hesitant to support the folding of the Department of Family Services into a giant Department of Health and Human Services. In our experience, there have been advantages to having one department focus on the needs of children and families; DFS is an agency with a heart and with dedicated, caring staff. We would hate to see the agency dismantled just as it is coming into its own under the excellent leadership of Director Hank Hudson.

5. Finally, we urge that the management of juvenile facilities, Pine Hills and Mountain View, remain under the responsibility of the Department of Family Services or, if the Department of Health and Human Services is created, under that agency. The reasons for shifting youth corrections from the Department of Institutions (now DCHS) to DFS were good ones. It is the exception, not the rule, that youth in the corrections system have emotional needs which require some type of treatment and many are abused or neglected children. We firmly believe that youth corrections should remain affiliated with other youth services.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andree Larose".

Andree Larose
Staff Attorney

P.O. Box 215
Helena MT 59624-0215
February 15, 1995

The Honorable Ethel Harding, chair
Senate House State Administration Committee
Capitol Station
Helena MT 59620

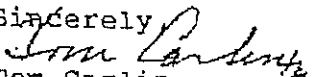
Dear ^{Senator} Representative Harding:

I, Tom Carlin, write to you as the chair of the Montana Committee for Emotionally Disturbed Children, a group of mental health advocates, professionals and providers. Though the Committee takes no stand on SB345 on reorganization of departments it is strongly opposed to one provision of the bill your committee will be examining today. That provision is the proposal to return youth corrections to a down-sized department of corrections. You may recall that before the Department of Family Services was created youth corrections was a part of the Department of Institutions.

Our Committee believes that the reasons for placing youth corrections with most other youth services were good ones. For instance, youth initially entering the justice system are often better served through treatment in community or residential programs than by placement in Pine Hills. The State cannot afford two treatment systems. Youth corrections should, we believe, remain affiliated with other youth services. The Spring Creek day treatment programs in Billings illustrate how a correction program can be piggy-backed on one for severely emotionally disturbed youth.

A second reason derives from fears our members have. They fear that in an adult corrections department youth needs will be neglected and appropriate services underfunded. Also they fear that in an adult corrections department the punishment motif will be over-emphasized. Youth need to be held responsible for their actions. Incarceration makes youth pay a price but often does not promote responsibility. Being sent to Pine Hills may give a youth status among his sub-culture peers. On the other hand an innovative program such as the proposed Montana Youth Alternatives offers some promise of turning some lives around. It has been developed in a department trying to focus on the needs of local communities. A new department of correction perforce will have to focus on locating enough prison or other beds for adult offenders.

Thank you for your consideration.

Sincerely

Tom Carlin

SENATE STATE ADMIN.

EXHIBIT NO. 5

DATE 02-15-95

BILL NO. SB345

DATE Thursday

SENATE COMMITTEE ON CD-15-95

BILLS BEING HEARD TODAY: SB 345

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
CRIS VOLINKAY	CDC - Alaska	345		✓
Keith Colbo	HRDC Association	345	✓	
Kathy McGowan	me mhc / self	345	✓	
Doree Benett	self / ch. d. c. m. r. i. n. e.			
Ann-Jill Macpadden	State Family Serv.	345		✓
Donald Harr	Mt. Med. Ass'n Advisory Comm Mt Psychiatric Ass'n.	345	✓	
David Honion	Mental Health Ass'n.	345		✓
JAY Driscoll	MFE / MFT / MARE			
Neer Keweenaw	Rocky mtn. Devlop Council	345	✓	
Charles Bonjig	Rocky Mtn. King Agency	345	✓	
Candice Whinnier	Youth Justice (JP)	345		
Andrée Larose	Mt. Advocacy Program	345	✓	✓
Glenn McFarlane	Mt. Assn. Home & Svc for Children	345	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

EXECUTIVE ACTION ON SB 30

Motion: SEN. JEFF WELDON moved that SB 30 BE TABLED.
The MOTION CARRIED 5-3 on roll call vote.

EXECUTIVE ACTION ON SB 372

David Niss handed out amendments for SB 372 that had been requested by Senator Weldon (EXHIBIT 1).

SEN. WELDON stated SB 372 is an excellent idea, but his amendments address his concern for cases of criminal actions where the result may be that one state agency bills another for the employee's time responding to a subpoena. He said the amendment would limit reimbursement to civil actions.

SEN. WELDON said amendment number 4 adds the requirement that reimbursement be requested by a state agency. Amendment number 5 clarifies that "employee" means an employee of the executive, legislative, or judicial branch of state government. As SB 372 was written, it only applied to state agencies and it was not very clear.

Motion/Vote: SEN. WELDON moved TO ACCEPT AMENDMENTS TO SB 372.
The MOTION CARRIED UNANIMOUSLY on oral vote.

Motion/Vote: SEN. WELDON moved that SB 372 DO PASS AS AMENDED.
The MOTION CARRIED UNANIMOUSLY on oral vote.

EXECUTIVE ACTION ON SB 345

Discussion: CHAIRMAN HARDING said there have been no amendments presented for SB345, and her suggestion is that this Committee pass the bill out and allow further work to be done in the House.

Motion: SEN. FOSTER moved that SB 345 DO PASS.

Discussion: SEN. VIVIAN BROOKE said she didn't prepare an amendment because she thought SB 345 would be included on the list of bills to be excepted from the transmittal deadline. She said she would propose an amendment for a delayed effective date of 1998.

SEN. BOB PIPINICH said he had planned to propose the same amendment, and he also believes SB 345 needs additional work.
SEN. PIPINICH said he understood that Senator Weldon would be

"packing" SB 345 so he asked Senator Weldon to comment on the bill. SEN. WELDON said it had never been his intent to "pack" the bill, but he stated that he had served on the Governor's Task Force that concluded the recommendations for SB 345. SEN. WELDON added that he was not on the committee that actually worked on SB 345. He said he had concerns about this particular recommendation in that it would create a "super agency" and he stated concern for the scope of services that would be provided. SEN. WELDON said he would support delaying the effective date, but would probably vote against the bill.

SEN. PIPINICH said he thinks there will be problems in SB 345 and believes action should be deferred.

Substitute Motion: SEN. PIPINICH made a SUBSTITUTE MOTION that SB 345 BE TABLED. The MOTION FAILED 5-3 on roll call vote.

SEN. DON HARGROVE said SB 345 really doesn't seem that complicated to him. He said it is an organizational bill, and the functions have not changed that much. He received about five contacts from constituents regarding delaying the effective date, and he asked Senator Brooke if she knew where that concept was coming from. SEN. BROOKE said the structure and the pieces are in place under SB 345 but it is on an administrative level, i.e., the state level. The services involved are administered locally and regionally, and she believes the legislature is hearing from the people who will be affected by being subsumed into a "super agency" and those people are nervous about that since they have not really been consulted. SEN. BROOKE said she believes another concern is that the state had previously sectioned off certain services into the Department of Family Services that will now go back into this "super agency", and while they may feel it would be good to be involved in the "super agency", it should be done in smaller steps. SEN. BROOKE said a third issue is that when the Renew Government work was done, it was admitted by members of that Committee that work was done in concept form and not a lot of detail was addressed.

SEN. HARGROVE asked other members of the Committee if they have been contacted by anyone regarding SB 345, because he doesn't see it as a real concern at the grassroots level. SEN. MACK COLE said he has had a couple of contacts. He said the feedback was not to say, "No, let's not do it", the feedback was, "Make sure when it's done, we are involved in the process." SEN. BROOKE said the regional administrator she has been involved with is from Miles City, and she encouraged Senator Brooke to propose this amendment.

SEN. KEN MESAROS said, from the testimony at the bill Hearing, everyone recognized it would take a couple of years for the SB 345 reorganization to evolve. He believes that delaying the effective date will drag the process out for a long time.

SEN. MESAROS said he thinks the effective date should remain as is so it can be a triggering date for the start of the transition.

Vote: The MOTION TO ACCEPT THE AMENDMENT TO SB 345 TO CHANGE EFFECTIVE DATE TO JULY 1, 1998, FAILED 5-3 on roll call vote.

Discussion: SEN. BROOKE said she strongly opposes the motion to pass SB 345. She believes the Committee has abdicated their responsibility to work on SB 345. SEN. BROOKE said SB 345 has many flaws, and concerns have been raised by service delivery people. She said she doesn't believe SB 345 should be sent to the House for the work that needs to be done.

SEN. WELDON said he opposes the motion, also. SEN. WELDON said he is not opposed to the reorganization, but is concerned that the problems in SB 345 have not been addressed because of its late introduction.

CHAIRMAN HARDING said when the Committee heard the bill, she had asked members to present amendments prior to Executive Action and there had been none received. CHAIRMAN HARDING said, after hearing the bill, she felt there was specifically one area which needed work, and that was the structure of the youth court. She said the rest is "just putting it all together".

SEN. PIPINICH said he doesn't believe this Committee has reviewed SB 345 in enough depth to discover if there are problems.

SEN. PIPINICH said he is concerned that when SB 345 is debated on the Senate floor, it may appear as though this Committee didn't do its job.

Vote: The MOTION THAT SB 345 DO PASS CARRIED 5-3 on roll call vote.

EXECUTIVE ACTION ON SB 363

Motion: SEN. WELDON moved that SB 363 DO PASS.

Discussion: SEN. MESAROS asked for clarification on the status of SB 363 in relation to HB 268, the Guaranteed Annual Benefit Adjustment (GABA) bill. Linda King said that SB 363 is quite different from the GABA bill. She said SB 363 is a one-time, ad hoc adjustment to a certain group of people and it will increase the cost of GABA, but the two bills would have to be coordinated. SEN. MESAROS said that is his point. GABA is questionable as to its costs, and he believes costs added from

MONTANA SENATE
1995 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE _____

02-18-95

[illegible]

SEN:1995

wp.rollcall.man

CS-09

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 18, 1995

MR. PRESIDENT:

We, your committee on State Administration having had under consideration SB 345 (first reading copy -- white), respectfully report that SB 345 do pass.

Signed: Ethel M. Harding
Senator Ethel M. Harding, Chair

PN
Amd. Coord.
Sec. of Senate

421546SC.SPV

STATE ADMINISTRATION COMMITTEE
ROLL CALL VOTE

DATE SAT 02-18-95 BILL NO. SB345 NUMBER _____

MOTION: Sen Foster Moved SB345 DO PASS. --

SEN PIRNICK MADE A SUBSTITUTE MOTION TO TABLE

Friction

[illegible]

SEN:1995

wp:rlclvote.man

CS-11

MONTANA SENATE
1995 LEGISLATURE
STATE ADMINISTRATION COMMITTEE
ROLL CALL VOTE

DATE 8-02-18-95 BILL NO. 52345 NUMBER _____

MOTION: San Brown Move To Amend SB345.

(Change Effective Date from July 1, 1995 to July 1, 1998)

FILED 53

[illegible]

SEN:1995

wp:rlclvote.man

CS-11

MONTANA SENATE
1995 LEGISLATURE

DATE 6/10/95 BILL NO. SB345 NUMBER

MOTION: Return To SEN FOSTER'S ORIGINAL MOTION
THAT SB345 DO PASS

Group 53

[illegible]

SEN:1995
wp:rlclvote.man
CS-11

HEARING ON SB 345Opening Statement by Sponsor:

SEN. CHUCK SWYSGOOD, SD 16, stated this bill had come out of the Governor's Task Force to Renew State Government. The majority of what the bill does is stated in the first three pages and the rest of the bill is rewording current statutes. Twenty five administrative and management positions will be eliminated if this bill were to pass. It would increase efficiency. It would decentralize government and create the Department of Public Health and Human Services. The transfer of youth correction would improve efficiency. He hoped the committee would look favorably upon the bill.

Proponents' Testimony:

REP. LOREN SOFT, HD 12, stated this consolidates a lot of functions into one department. He offered an amendment to the bill. EXHIBIT 1. He stated there needed to be some language clean up. There are concerns about corrections and he hoped the committee would give that their strong consideration. He stated he had been working with kids for 32 years and there was one thing clear; there are no clear lines. Despite the character the community facility may be the last chance to educate children. They need to change the way they think. It is possible they haven't provided the environment for this. He stated there are five things they need to do. The first was to provide community protection. The second was to make people account for their actions. Another was to learn new and appropriate life skills. Another was restitution or community projects. The final was successful reintegration with the community. He stated they need to pull all of these together. There needs to be public mental health services. There is proof that what they do works. It is cost efficient and effective. They shouldn't lump juveniles and adults together. There would be a good possibility that they would be "lost in the shuffle". He shared letters he had received. He urged the committee to give serious consideration when they took executive action on the bill.

Peter Blouke, Department of SRS, stated this is the cornerstone for meeting their promise to the people. There is a two step process. The first step is to move things to a local level. The second is to pull together at state level before they can decentralize government. He stated this is the most efficient and effective way to do this. This was not put together quickly and he hoped the committee wouldn't be quick in their decision. He urged a do pass recommendation from the committee.

Bill Furrer, Department of Correction, Human Services, spoke in favor of the bill.

Hank Hudson, Department of Family Services, Director, stated they needed to focus on coordination, efficiency, and engage everyone

in redesigning human services. There needs to be flexibility and time. There is a simulation of activities; infrastructure, management and public safety. He stated there is a difference between the youth and an adult and he believed they should remain separate. He urged the committee's support of the bill.

{Tape: 1; Side: B.}

Kathy McGowen stated the mental health centers support this bill. She served on the Governors Task Force Committee. She stated she didn't think youth corrections belong with adults. This should be turned over to the local communities. The system now works as well as it probably will ever work. This is not the answer to everything. They have to want it to work. This does not reflect dissatisfaction with current agencies. She hoped the committee would give the bill a do pass recommendation.

Sharon Haff, Montana Catholic Conference, stated they needed to keep integrating. She hoped the committee would look favorably upon the bill.

Candy Wimmer, Youth Justice Council, stated two years ago there was an audit done to look at the youth corrections. They were trying to put together the pieces. She stated she opposed juvenile correction when 1.) adults and juveniles receive combined resources. She stated there is a risk that fund would go to the adults and the children would get lost in the system. 2.) when other states are able to combine and work at the whim of the person in charge. 3.) when youth are dealt with within the families.

David Hennion, submitted EXHIBIT 2.

Mary Ellerd, MJPOA, spoke in favor of the bill.

Mary Allen, Montana Areas of Agencies On Aging Association, spoke in favor of the bill.

Opponents' Testimony:

none

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. GALVIN asked if the cost would be falling or rising for taxpayers.

Mr. Blouke stated there would be real saving throughout the years because of the organization. It is not the intent to shift the cost of this to the local level.

REP. REHBEIN asked if they choose to adopt the amendment, what would the effect be.

Mr. Blouke stated he didn't think the bill stands or falls on that issue.

Mr. Hudson stated this bill wouldn't sink or swim on that issue. It is part of the correction they would like to collaborate to make sure they don't fall through the cracks.

REP. REHBEIN asked will this lessen FTE's if the amendments were adopted.

Mr. Hudson stated there would be a reduction due to efficiency but he didn't think the amendment would change the fiscal savings.

REP. REHBEIN asked what fell on the amendment.

Mr. Hudson replied the support of the Governor.

{Tape: 2; Side: A.}

REP. STOVALL asked if it would be good policy to make this transition.

Mr. Day stated if the correction division could be consolidated it would be easy in terms of government.

REP. BRAINARD asked if the juveniles get proper funding or resources.

Mr. Day stated it is along functional lines. He sees the reverse. There needs to be more emphasis on correction. He stated he did have some statistics but they weren't complete.

CHAIRMAN SIMPKINS asked what was thought of the relationship between them and the new department.

Mr. Day stated they would deal with all programs. They would transfer individuals back and forth.

CHAIRMAN SIMPKINS asked when dealing with policy, where is there a problem.

REP. SOFT stated there is a problem in moving the juveniles into the corrections department.

REP. SQUIRES asked if public health would be staying or would it be combined.

Mr. Blouke stated health functions would be combined into the new department.

REP. SQUIRES asked how many would be displaced.

Mr. Blouke stated there would be 25 people displaced. He had a gut feeling that most are interested in leaving or retiring. The change would be difficult.

REP. HEAVY RUNNER asked how they would discuss this within the staff.

Mr. Blouke stated the process would be for reform.

REP. KITZENBERG stated with more prisoners there is less room. He asked who was going to pay for this.

Mr. Fulbright stated they wouldn't be stealing from one to offset the other.

REP. STOVALL asked with more local ideas what mechanism they would use to do this.

Mr. Blouke stated they would have to wait for the exact structure.

Closing by Sponsor:

{Tape: 2; Side: B.}

SEN. SWYSGOOD stated the effective date for this bill would be next year. He was opposed to REP. SOFT'S amendments. He stated it is not the departments fault. There is a difference between juvenile and adult corrections, but there are more similarities than differences. He stated there was an attempt to make this happen overnight and that would have taken more people out of this. He urged the committee's support of the bill.

HEARING ON HB 593

Opening Statement by Sponsor:

REP. MATT DENNY, HD 63, stated this bill would change the PSC members from five to three. This is a non-partisan bill. He submitted and explained the amendments proposed. EXHIBITS 3,4. This would add stability and save money.

Proponents' Testimony:

REP. LARRY GRINDE, HD 94, stated they decided to go through all facets of government and none of the industries have anything to do with this bill. They want to try and make government more efficient and other states have three members and are doing well.

HOUSE OF REPRESENTATIVES

State Administration

ROLL CALL

DATE MARCH 15, 1995

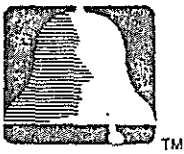
NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman	✓		
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard	✓		
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masolo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		

SB 345: AT A GLANCE

OLD STRUCTURE

NEW STRUCTURE

Dept. of Social and Rehabilitation Services (SRS) (<i>absorbed by DPHHS</i>) → Child support enforcement → Developmental disabilities → Family assistance → Medicaid reimbursement → Rehabilitation → Visual services → Board of Social and Rehabilitation Appeals (BSRA) Dept. of Family Services (DFS) (<i>absorbed by DPHHS</i>) → Child and adult protective services → Coordinating and planning for services to children → Provide for funding and placement of youth in need of supervision or youth committed to the department → Juvenile corrections (to Dept. of Corrections) Dept. of Health and Environmental Sciences (DHES) <u>Public health functions:</u> (<i>absorbed by DPHHS</i>) → preventive health services → family, maternal, and child health programs (WIC, family planning, etc.) → statewide health planning → food and consumer safety → record and statistics (births, deaths, etc.) → certificate of need program → health facility regulation and licensing (nursing homes, etc.) → Board of Health and Environmental Sciences (BHES) <u>Human service functions:</u> (<i>absorbed by DPHHS</i>) → Institutional and residential care for developmentally disabled → Mental health services → Chemical dependency services → Veteran's long-term nursing care <u>Environmental science functions:</u> (<i>left in DES</i>) → Air quality division → Environmental remediation division → Waste management division → Water quality division → Petroleum tank release compensation board Dept. of Corrections and Human Services (DCHS) → Adult corrections → Alcohol and drug abuse division → Mental health division	Dept. of Public Health and Human Services (DPHHS) (Dept. of Public Health in SB 245 absorbed by DPHHS) → all functions of SRS * BSRA renamed the Board of Public Assistance → all functions of DFS (except juvenile corrections is moved to Dept. of Corrections) → public health functions of DHES * BHES functions transferred to the Director of the new Dept. of Public Health and Human Services → human service function of DHES and DCHS Department of Environmental Sciences (absorbed into the Dept. of Environmental Quality under SB 234) Department of Corrections → loses substance abuse and mental health → gains juvenile corrections from DCHS
--	--



Mental Health Association of Montana

An Affiliate of the National Mental Health Association

State Headquarters • 555 Fuller Avenue • Helena, Montana 59601
(406) 442-4276 • Toll-Free 1-800-823-MHAM • Fax (406) 442-4986

EXHIBIT

2

DATE 3-15-95

Testimony of David Hemion
House State Administration Committee - SB 345
March 15, 1995

On behalf of the 1,200 members of the Mental Health Association of Montana, we support the re-organization proposal to create the Department of Health and Human Services.

The Mental Health Association has long advocated transferring management of Montana's public mental health system from the Department of Corrections to a human services department. Prior to this time, the only action that has been taken was to change the name of the Department of Corrections to include Human Services. It is still a department which has punishment of criminals as its primary mission. This is a remnant of those dark days when mental illnesses were viewed with the same disdain as criminality. We welcome and applaud the proposal to bring all mental health functions into one agency and predict this will result in a strengthened system of public mental health.

We oppose, however, the proposal to transfer Youth Corrections to the Department of Corrections.

The borderline between youth criminal behavior and youth mental illness is often very narrow. Separating treatment and rehabilitation for youth into two components will be a set-back. Few states operate with this proposed model and most who have tried it have rejected it.

Placing Youth Corrections into the Department of Corrections will relegate it to a secondary function of the department. Its budget and management will not be the priority. The management philosophy of adult corrections will dominate and the opportunity for rehabilitation of young offenders will be diminished.

We ask you to approve SB 345, but to amend the bill to retain Youth Corrections within the new human services agency.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

St. Admin

COMMITTEE

DATE 3-15

BILL NO. SB345

SPONSOR(S) Swygoo

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Kathy McGowan	Self - mcmhc	✓	
MARY ELLERD	MUPOA	✓	
Candy Wimmer	Youth Justice Council	✓	
MARY ALLEN	AREA Activities OW AGING ASSOC.	✓	
Mary Alice Cook	Adv. for MT's CHILDREN	✓ Self Anchorage	
Charles Briggs	Rocky Mtn. Aging Agency	✓	
Jim Morton	HRDC - M. 10	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14

REP. SCHWINDEN stated he intended to support the bill whether the amendment went on the bill or not. He disagreed that the reservation process is over. He thought it would be better for the Governor and the people involved to address their concerns with a board instead of a director of the department.

REP. DENNY asked if they could ask the Governor's representative about the advantages to this amendment for the Governor.

Mr. Marks stated when they started this bill there were some questions on whether or not the board of Natural Resources should be left in the bill. They discussed that at length. They decided they would take the board out and see what would happen. Nothing about this came up in the Senate hearings on the bill. They think the public has opened their minds to giving this authority to the director. Most people have come to the conclusion that it is not good public policy for them to have to wait two or three months for things to come up in the meetings with the board.

Vote: Motion failed on a tie vote with REPS. DENNY, BRAINARD, GREEN, HAYNE, MASOLO, REHBEIN, SMITH (by proxy), STOVALL, and SIMPKINS voting no.

Motion/Vote: REP. STOVALL MOVED THAT SB 234 DO CONCUR AS AMENDED. Motion carried 17-1 with REP. SCHWINDEN voting no.

EXECUTIVE ACTION ON SB 345

Motion: REP. REHBEIN MOVED THAT SB 345 DO CONCUR. REP. HEAVY RUNNER MOVED THE AMENDMENT.

Discussion:

REP. REHBEIN asked the committee to reject the amendment. He stated the amendment keeps a status quo on the system.

Ms. Heffelfinger stated these amendments would move the juvenile corrections back into the Department of Public Health and Human Services. Currently under the drafting of the bill it is under the Department of Corrections.

REP. REHBEIN thought it was important that they see a unity in the correctional institutions in Montana and that youth be involved in the same program as the adults. This would allow better tracking of problem people and areas. It would help to gather better statistics on how they need to come up with solutions for the youth in our society. He believed by not including them in the Department of Corrections, they are only doing half the job. He understood what they were trying to do with the amendment, but he thought they would be better served if they were included in the adults' correction system as well.

REP. GREEN saw the amendment as being a device that would require a lot of effort on the part of the departments. He thought they needed to focus more on deterrence than on punishment.

REP. STOVALL asked if the juvenile offenders would be treated any differently because of their age.

Mr. Boulke stated not in so far as the intent of providing the services. It difficult to balance these things.

REP. STOVALL asked what would happen if they were to reject the amendment.

Mr. Boulke stated they would be segregated from the adults.

REP. STOVALL asked if this bill would simply put the administrative part of it in with the administrative part of the adult corrections.

Mr. Boulke stated that was correct. He stated it was not their intent to place individuals into a facility which is inappropriate.

REP. REHBEIN stated if the amendment isn't adopted they will be able to address this in two years. He didn't think the juvenile system would be eroded without this amendment.

CHAIRMAN SIMPKINS stated they aren't dealing with juveniles in general with this bill and amendments they are dealing with juvenile corrections. For them to be in that system there must have been some kind of crime committed. His constituents say they want harder restrictions on juvenile crime. They need to look at moving juvenile correction programs and not the juvenile programs.

Vote: Motion failed 7-11 with REPS. SCHWINDEN, GALVIN, HEAVY RUNNER, KITZENBERG, HAGENER, SQUIRES (by proxy), AND TROPILA voting yes.

Vote: Motion carried 17-1 with REP. SCHWINDEN voting no.

EXECUTIVE ACTION ON SB 301

Motion: REP. TROPILA MOVED THAT SB 301 DO CONCUR.

Discussion:

Ms. Heffelfinger stated this bill submits to the qualified electors of Montana at the general election in November a constitutional amendment. This amendment says the state shall not assign any new, expanded or modified programs or



HOUSE STANDING COMMITTEE REPORT

March 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 345 (third reading copy -- blue) be concurred in.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Grimes

Committee Vote:
Yes 17, No 1.

651103SC.Hdh

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE March 21 BILL NO. SB NUMBER 345

MOTION:

Rep. Heavy Runner moved the amendment

NAME	AYE	NO
Rep. Dick Simpkin, Chairman		✓
Rep. Matt Denny, Vice Chairman, Majority		✓
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard		✓
Rep. Pat Galvin	✓	
Rep. Dick Green		✓
Rep. Toni Hagener	✓	
Rep. Harriet Hayne		✓
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez		✓
Rep. Gay Ann Masolo		✓
Rep. Bill Rehbein		✓
Rep. Susan Smith		✓
Rep. Jay Stovall		✓
Rep. Carolyn Squires	✓	
Rep. Lila Taylor		✓
Rep. Joe Tropila	✓	✓

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE March 31 BILL NO. SB NUMBER 345

MOTION:

Rep. Rehbein moved Do Concur

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority		✓
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg, <i>PROX 11</i>	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires <i>Prox 12</i>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

MINUTES

MONTANA SENATE
54th LEGISLATURE -- REGULAR SESSION

CONFERENCE COMMITTEE ON SENATE BILL 345

Call to Order: By CHAIRMAN CHUCK SWYSGOOD, on April 7, 1995, at 7:35 a.m.

ROLL CALL

Members Present:

Sen. Charles "Chuck" Swysgood (R)
Sen. Mike Sprague (R)
Sen. Mignon Waterman (D)
Rep. Brad Molnar (R)
Rep. William T. "Red" Menahan (D)
Rep. Scott J. Orr (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Council
Jennifer Gaasch, Secretary

Discussion:

SENATOR CHUCK SWYSGOOD said when SB 345 left the Senate it had juvenile corrections going to the Department of Corrections. On the House floor REPRESENTATIVE COBB reversed that and took juvenile corrections out of the department and put it into Department of Family Services (DFS). He said he did not except those amendments when they came back to the Senate. SEN. SWYSGOOD said the purpose of SB 345 was to bring together like functions for a more efficient delivery of the services. He said it was his wish that the House floor actions be reversed and put juvenile corrections back into the Department of Corrections. He proposed the amendments. (EXHIBIT #1)

Valencia Lane said they had only 10 copies of the salmon colored bill printed which is the bill with the House amendments in it. It was not possible to have only a 1 page amendment striking the House amendments. The amendments that were passed out remove the House amendments from the salmon colored bill.

SEN. SWYSGOOD said the amendments would put SB 345 back into the form it was when it left the Senate.

Valencia Lane replied it reverses all of the amendments that were put on in the House.

SENATOR WATERMAN asked if the only amendment that was put on in the House was the COBB amendment.

Valencia Lane replied yes and the proposed amendments would reverse those amendments.

Motion:

REPRESENTATIVE MENAHAN MOVED the amendments.

Discussion:

SEN. WATERMAN replied it was the recommendations of the Department directors all recommended that youth corrections go into the Department of Human Services. She stated she continued to believe that is where it belongs.

SEN. SWYSGOOD replied he appreciated SEN. WATERMAN'S concern. He said when they look at the overall picture and moving all of the mental health out of the Department of Corrections, where it was now and never should have been, and putting them back into DFS. SB 345 creates an agency of around 2,700 people and whether that will stay or not we do not know. He said there are 180 people who are connected with youth corrections and if they are in that budget they will be receiving 15% of the budget instead of the 1% of another budget. He said there are other things that will have to be done in the next legislative session.

REP. MENAHAN stated he supported this because ever since they have children have gone in and out of the departments and institutions they have gone down hill. He said to get any services at all they children have to make time to go to the mental health center. They are not receiving any help that they need.

REP. MOLNAR replied he opposed SB 345 until a month ago. In one of the hearings Hank Hudson, DFS, said he opposed SB 345 because it would cut into his budget. He said if they are going to stem the number of adult offenders going in, they are going to do it on the juvenile side. The incentive to stem it is in the adult corrections and the prevention is to their benefit. It helps their budget if they can help the children from going in. He said SB 345 will do it. The philosophy is not working.

Vote:

The MOTION CARRIED with SENATOR WATERMAN voting no.

Conference Committee
on SB 345
Report No. 1, April 7, 1995

Page 1 of 10

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 345, met April 7, 1995, and considered:

House Committee of the Whole amendments to the third reading copy dated March 27, 1995.

We recommend that SB 345 (reference copy - salmon) be amended as follows:

1. Title, line 12.

Following: "~~CORRECTIONS~~"

Insert: ", WITH THE EXCEPTION OF JUVENILE CORRECTIONS PROGRAMS;
TRANSFERRING JUVENILE CORRECTIONS PROGRAMS TO THE DEPARTMENT
OF CORRECTIONS"

2. Title, page 2, line 8.

Following: "~~41-3-1103,~~"

Insert: "41-3-1103,"

3. Title, page 2, line 23.

Following: "~~52-1-101,~~"

Insert: "52-1-101,"

Following: "~~52-1-103,~~"

Insert: "52-1-103,"

4. Page 3, lines 21 and 34.

Strike: "~~565~~"

Insert: "568"

5. Page 3, line 33.

Following: "~~corrections~~"

Insert: ", except juvenile corrections division programs, which
are transferred to the department of corrections"

6. Page 4, line 2.

Following: "to÷"

Insert: ":",

7. Page 4, line 3.

Following: "{a}"

Insert: "(a)"

8. Page 4, line 4.

Following: "~~or~~"

Insert: "; or"

ADOPT

REJECT

801027CC.SPV

9. Page 4, line 6.

Following: "appropriate"

Insert: "(b) the "department of corrections", "department" (of corrections), "director of corrections", or "director" (of corrections), as appropriate"

10. Page 4, line 31.

Strike: "565"

Insert: "568"

11. Page 5, line 18 and 29.

Strike: "565"

Insert: "568"

12. Page 44, lines 11 and 12.

Following: "~~corrections~~" on line 11

Strike: remainder of line 11 through "SERVICES" on line 12

Insert: "corrections"

13. Page 51, line 13.

Following: "~~family~~"

Insert: "the department of corrections or"

14. Page 122, line 16.

Insert: "Section 184. Section 41-3-1103, MCA, is amended to read:

"41-3-1103. Powers and duties of department. (1) The department shall:

(a) administer all state and federal funds allocated to the department for youth foster homes, youth group homes, and child-care agencies for youth in need of care, ~~youth in need of supervision, and delinquent youth~~, as defined in 41-5-103;

(b) exercise licensing authority over all youth foster homes, youth group homes, and child-care agencies;

(c) collect and disseminate information relating to youth in need of care, ~~youth in need of supervision, and delinquent youth~~;

(d) provide for training of program personnel delivering services;

(e) in cooperation with youth care facility providers, develop and implement standards for youth care facilities;

(f) maintain adequate data on placements it funds in order to keep the legislature properly informed of the following:

(i) the ~~breakdown number~~ of youth in need of care, ~~youth in need of supervision, and delinquent youth by category~~ in out-of-home care facilities;

(ii) the cost per facility for services rendered;

(iii) the type and level of care of services provided by each facility;

(iv) a profile of out-of-home care placements by level of care; and

(v) a profile of public institutional placements; and
(g) administer all funds allocated to the department for residential alcohol and drug abuse treatment for indigent youths in need of care, indigent youths in need of supervision, and indigent delinquent youths who require treatment.

(2) The department may:

(a) enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of care, ~~youth in need of supervision, and delinquent youth~~ in youth care facilities;

(b) accept gifts, grants, and donations of money and property from public and private sources to initiate and maintain community-based services to youth;

(c) adopt rules to carry out the administration and purposes of this part.

(3) The department shall pay for room, board, clothing, personal needs, transportation, and treatment in youth foster care homes and youth group homes for youths committed to the department who need to be placed in the facilities. Payments for the clothing of a child placed in a youth foster home must be provided to the extent the child needs a basic wardrobe or has a special clothing need. Payments under this subsection may not exceed appropriations for the purposes of this subsection."

Renumber: subsequent sections

15. Page 122, lines 18 and 19.

Following: "corrections" on line 18

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

16. Page 122, lines 21 and 25.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

17. Page 122, line 33.

Following: "corrections"

Insert: "or the department of corrections"

Following: "placement"

Insert: "making the placement".

18. Page 123, line 3.

Following: "corrections"

Insert: "or the department of corrections"

19. Page 123, line 19.

Following: "corrections"

Insert: "and the department of corrections"

20. Page 123, line 21.

Strike: "IS"
Insert: "are"

21. Page 124, lines 24 and 25.
Following: "~~corrections~~" on line 24
Strike: remainder of line 24 through "SERVICES" on line 25
Insert: "corrections"
Strike: "2-15-2201"
Insert: "2-15-2301"

22. Page 158, line 25.
Strike: "OR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

23. Page 178, line 34.
Following: "services"
Strike: "OR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

24. Page 219, line 15.
Insert: "Section 333. Section 52-1-101; MCA, is amended to read:
"52-1-101. Purpose. It is the public policy of the legislature to reduce duplication and fragmentation of services to youth, families, and senior citizens by creating a department that shall develop and maintain consolidated programs and services, except youth correctional services, within available resources, and a planned continuum of services to:
(1) provide protective services to ensure the health, welfare, and safety of children and adults who are in danger of abuse, neglect, or exploitation within communities; and
~~(2) provide for the care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth who are referred or committed to the department; and~~
~~(3)~~ (2) provide supportive services to enable senior citizens to maintain their independence."

Renumber: subsequent sections

25. Page 221, line 6.
Insert: "Section 335. Section 52-1-103, MCA, is amended to read:
"52-1-103. Powers and duties of department. The department shall:
(1) administer and supervise all forms of child and adult protective services;
(2) act as the lead agency in coordinating and planning services to children with multiagency service needs;
~~(3) provide funding for and place youth alleged or adjudicated to be delinquent or in need of supervision who are referred or committed to the department;~~
~~(4)~~ (3) provide the following functions, as necessary, for youth in need of care:
(a) intake, investigation, case management, and client

supervision;

- (b) placement in youth care facilities;
- (c) contracting for necessary services;
- (d) protective services day care; and
- (e) adoption;

~~(5) administer youth correctional facilities;~~

~~(6) provide supervision, care, and control of youth released from a state youth correctional facility;~~

~~(7)~~ (4) license youth care facilities, child-placing agencies, day-care facilities, community homes for developmentally disabled persons, community homes for severely disabled persons, and adult foster care facilities;

~~(8)~~ (5) act as lead agency in implementing and coordinating child-care programs and services under the Montana Child Care Act;

~~(9)~~ (6) administer the interstate ~~compacts~~ compact for children and delinquent youth;

~~(10)~~ (7) (a) administer child abuse prevention services funded through child abuse grants and the Montana children's trust fund provided for in Title 41, chapter 3, part 7; and

(b) administer elder abuse prevention services;

~~(11)~~ (8) (a) make a written evaluation of each plan developed by the local family services advisory councils, as provided in 52-1-203, indicating those portions of each plan that will be implemented by the department, those portions that will not be implemented, and the reasons for not implementing those portions;

(b) develop a statewide youth services and resources plan that takes into consideration local needs as reflected in plans developed by the local family services advisory councils;

~~(12)~~ (9) administer services to the aged;

~~(13)~~ (10) provide consultant services to:

(a) facilities providing care for needy, indigent, handicapped, or dependent adults; and

(b) youth care facilities;

~~(14) utilize at maximum efficiency the resources of state government in a coordinated effort to:~~

~~(a) provide for children in need of temporary protection or correctional services; and~~

~~(b) coordinate and apply the principles of modern institutional administration to the institutions in the department;~~

~~(15) subject to the functions of the department of administration, lease or purchase lands for use by institutions in the department and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration:~~

~~(a) the needs of all institutions in the department for the food products that can be grown or produced on the lands; and~~

~~(b) the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions in the department;~~

~~(16)~~ (11) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

~~(17) propose programs with specific goals and objectives to the legislature to meet the projected long range needs of institutions in the department, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions in the department;~~

~~(18)~~ (12) contract, as necessary, with the county board of welfare for administration of child and adult protection services for that county; and

~~(19)~~ (13) adopt rules necessary to carry out the purposes of 41-3-1126, ~~41-5-527 through 41-5-529~~, and this chapter."

Renumber: subsequent sections

26. Page 224, line 4.
Strike: "AND"

27. Page 224, line 5.
Following: "and"
Insert: "; and"

28. Page 224, line 6.
Following: "corrections"
Insert: "(h) the department of corrections"

29. Page 238, lines 11, 22, and 30.
Following: "corrections"
Strike: "PUBLIC HEALTH AND HUMAN SERVICES"
Insert: "corrections"

30. Page 239, lines 5 and 6.
Following: "corrections" on line 5
Strike: remainder of line 5 through "SERVICES" on line 6
Insert: "corrections"

31. Page 239, line 9.
Strike: "PUBLIC HEALTH AND HUMAN SERVICES"
Insert: "corrections"

32. Page 239, lines 14 and 15.
Following: "corrections" on line 14
Strike: remainder of line 14 through "SERVICES" on line 15
Insert: "corrections"

33. Page 239, lines 23 and 24.
Following: "corrections" on line 23
Strike: remainder of line 23 through "SERVICES" on line 24
Insert: "corrections"

34. Page 239, line 31.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

35. Page 240, line 7.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

36. Page 240, lines 9 and 10.

Following: "corrections" on line 9

Strike: remainder of line 9 through "SERVICES" on line 10

Insert: "corrections"

37. Page 240, line 12.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

38. Page 240, line 17.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

39. Page 240, line 20.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

40. Page 240, line 24.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

41. Page 240, lines 29 and 30.

Following: "services" on line 29

Strike: remainder of line 29 through "SERVICES" on line 30

42. Page 240, lines 33 and 34.

Following: "corrections" on line 33

Strike: remainder of line 33 through "SERVICES" on line 34

Insert: "corrections"

43. Page 241, lines 11 and 12.

Following: "corrections" on line 11

Strike: remainder of line 11 through "SERVICES" on line 12

Insert: "corrections"

44. Page 241, line 14.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

45. Page 241, lines 18 and 19.

Following: "corrections" on line 18

Strike: remainder of line 18 through "SERVICES" on line 19

Insert: "corrections"

46. Page 241, lines 32 and 33.

Following: "~~corrections~~" on line 32

Strike: remainder of line 32 through "SERVICES" on line 33

Insert: "corrections"

47. Page 242, line 10.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

48. Page 242, line 22.

Following: "~~corrections~~"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

49. Page 242, line 30.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

50. Page 243, lines 7 and 8.

Following: "~~corrections~~" on line 7

Strike: remainder of line 7 through "SERVICES" on line 8

Insert: "corrections"

51. Page 246, line 1.

Following: "to:"

Insert: ":"

52. Page 246, line 2.

Following: "~~(1)~~"

Insert: "(1)"

53. Page 246, line 3.

Following: "~~youth~~"

Insert: "and youth"

Following: "~~and~~"

Strike: "and"

Insert: "; and"

54. Page 246, line 11.

Following: line 10

Insert: "(2) provide for the care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth who are referred or committed to the department."

55. Page 246, line 13.

Following: "~~youth~~"

Insert: "and youth"

56. Page 247, line 13.

Following: line 12

Insert: "(3) Youth correctional services consist of the following institutional components to diagnose, care for, train, educate, and rehabilitate youth pursuant to Title 52, chapter 5:

- (a) Mountain View school;
- (b) Pine Hills school; and
- (c) any other institution that provides care and services for delinquent youth."

Renumber: subsequent subsection

57. Page 247, line 17.

Following: "~~(1)~~"

Insert: "(1)"

58. Page 247, line 18.

Strike: "~~(1)~~"

Insert: "(a)"

Following: "~~and~~"

Insert: "rules necessary to carry out the purposes of 41-5-527 through 41-5-529 and"

Renumber: subsequent subsections

59. Page 248, line 6:

Following: "~~7~~"

Strike: "~~7~~"

Insert: "7"

60. Page 248, line 24.

Following: line 23

Insert: "(g) administer all state and federal funds allocated to the department for youth in need of supervision and delinquent youth, as defined in 41-5-103;

(h) collect and disseminate information relating to youth in need of supervision and delinquent youth;

(i) maintain adequate data on placements that it funds in order to keep the legislature properly informed of the specific information, by category, related to youth in need of supervision and delinquent youth in out-of-home care facilities;

(j) provide funding for and place youth who are alleged or adjudicated to be delinquent or in need of supervision and who are referred or committed to the department;

(k) administer youth correctional facilities;

(l) provide supervision, care, and control of youth released from a state youth correctional facility; and

(m) use to maximum efficiency the resources of state government in a coordinated effort to:

(i) provide for children in need of temporary protection or correctional services; and

(ii) coordinate and apply the principles of modern institutional administration to the institutions in the department.

(2) The department of corrections may enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of supervision and delinquent youth in youth care facilities."

61. Page 249, line 11.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

62. Page 249, lines 20 through 24.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

63. Page 353, lines 9 and 10.

Strike: "395 THROUGH 398"

Insert: "398 through 401"

64. Page 353, line 11.

Strike: "395 THROUGH 398"

Insert: "398 through 401"

And that this Conference Committee report be adopted.

For the Senate:

Swysgood

Chair

Sprague

Waterman

Amd. Coord.

Sec. of Senate

For the House:

Orr

Chair

Molnar

Menahan

Amendments to Senate Bill No. 345
Reference As Amended Reading Copy (salmon)

Requested by Senator Swysgood
For the Conference Committee

Prepared by Valencia Lane
April 6, 1995

1. Title, line 12.
Following: "~~CORRECTIONS~~"
Insert: ", WITH THE EXCEPTION OF JUVENILE CORRECTIONS PROGRAMS;
TRANSFERRING JUVENILE CORRECTIONS PROGRAMS TO THE DEPARTMENT
OF CORRECTIONS"
2. Title, page 2, line 8.
Following: "~~41-3-1103,~~"
Insert: "41-3-1103,"
3. Title, page 2, line 23.
Following: "~~52-1-101,~~"
Insert: "52-1-101,"
Following: "~~52-1-103,~~"
Insert: "52-1-103,"
4. Page 3, lines 21 and 34.
Strike: "565"
Insert: "568"
5. Page 3, line 33.
Following: "~~corrections~~"
Insert: ", except juvenile corrections division programs, which
are transferred to the department of corrections"
6. Page 4, line 2.
Following: "to:"
Insert: ":
7. Page 4, line 3.
Following: "~~(a)~~"
Insert: "(a)"
8. Page 4, line 4.
Following: "~~, or~~"
Insert: "; or"
9. Page 4, line 6.
Following: "~~appropriate~~"
Insert: "(b) the \"department of corrections\", \"department\" (of
corrections), \"director of corrections\", or \"director\" (of
corrections), as appropriate"
10. Page 4, line 31.
Strike: "565"
Insert: "568"

11. Page 5, line 18 and 29.

Strike: "565"

Insert: "568"

12. Page 44, lines 11 and 12.

Following: "corrections" on line 11

Strike: remainder of line 11 through "SERVICES" on line 12

Insert: "corrections"

13. Page 51, line 13.

Following: "family"

Insert: "the department of corrections or"

14. Page 122, line 16.

Insert: "Section 184. Section 41-3-1103, MCA, is amended to read:

"41-3-1103. Powers and duties of department. (1) The department shall:

(a) administer all state and federal funds allocated to the department for youth foster homes, youth group homes, and child-care agencies for youth in need of care, ~~youth in need of supervision, and delinquent youth~~, as defined in 41-5-103;

(b) exercise licensing authority over all youth foster homes, youth group homes, and child-care agencies;

(c) collect and disseminate information relating to youth in need of care, ~~youth in need of supervision, and delinquent youth~~;

(d) provide for training of program personnel delivering services;

(e) in cooperation with youth care facility providers, develop and implement standards for youth care facilities;

(f) maintain adequate data on placements it funds in order to keep the legislature properly informed of the following:

(i) the ~~breakdown~~ number of youth in need of care, ~~youth in need of supervision, and delinquent youth by category in out-of-home care facilities~~;

(ii) the cost per facility for services rendered;

(iii) the type and level of care of services provided by each facility;

(iv) a profile of out-of-home care placements by level of care; and

(v) a profile of public institutional placements; and

(g) administer all funds allocated to the department for residential alcohol and drug abuse treatment for indigent youths in need of care, indigent youths in need of supervision, and indigent delinquent youths who require treatment.

(2) The department may:

(a) enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of care, ~~youth in need of supervision, and delinquent youth in youth care facilities~~;

(b) accept gifts, grants, and donations of money and property from public and private sources to initiate and maintain community-based services to youth;

(c) adopt rules to carry out the administration and

purposes of this part.

(3) The department shall pay for room, board, clothing, personal needs, transportation, and treatment in youth foster care homes and youth group homes for youths committed to the department who need to be placed in the facilities. Payments for the clothing of a child placed in a youth foster home must be provided to the extent the child needs a basic wardrobe or has a special clothing need. Payments under this subsection may not exceed appropriations for the purposes of this subsection.""

Renumber: subsequent sections

15. Page 122, lines 18 and 19.

Following: "corrections" on line 18

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

16. Page 122, lines 21 and 25.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

17. Page 122, line 33.

Following: "corrections"

Insert: "or the department of corrections"

Following: "placement"

Insert: "making the placement"

18. Page 123, line 3.

Following: "corrections"

Insert: "or the department of corrections"

19. Page 123, line 19.

Following: "corrections"

Insert: "and the department of corrections"

20. Page 123, line 21.

Strike: "IS"

Insert: "are"

21. Page 124, lines 24 and 25.

Following: "corrections" on line 24

Strike: remainder of line 24 through "SERVICES" on line 25

Insert: "corrections"

Strike: "2-15-2201"

Insert: "2-15-2301"

22. Page 158, line 25.

Strike: "OR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

23. Page 178, line 34.

Following: "services"

Strike: "OR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

24. Page 219, line 15.

Insert: "Section 333. Section 52-1-101, MCA, is amended to read:

"52-1-101. Purpose. It is the public policy of the legislature to reduce duplication and fragmentation of services to youth, families, and senior citizens by creating a department that shall develop and maintain consolidated programs and services, except youth correctional services, within available resources, and a planned continuum of services to:

(1) provide protective services to ensure the health, welfare, and safety of children and adults who are in danger of abuse, neglect, or exploitation within communities; and

~~(2) provide for the care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth who are referred or committed to the department; and~~

~~(3)~~ (2) provide supportive services to enable senior citizens to maintain their independence."

Renumber: subsequent sections

25. Page 221, line 6.

Insert: "Section 335. Section 52-1-103, MCA, is amended to read:

"52-1-103. Powers and duties of department. The department shall:

(1) administer and supervise all forms of child and adult protective services;

(2) act as the lead agency in coordinating and planning services to children with multiagency service needs;

~~(3) provide funding for and place youth alleged or adjudicated to be delinquent or in need of supervision who are referred or committed to the department;~~

~~(4)~~ (3) provide the following functions, as necessary, for youth in need of care:

(a) intake, investigation, case management, and client supervision;

(b) placement in youth care facilities;

(c) contracting for necessary services;

(d) protective services day care; and

(e) adoption;

~~(5) administer youth correctional facilities;~~

~~(6) provide supervision, care, and control of youth released from a state youth correctional facility;~~

~~(7)~~ (4) license youth care facilities, child-placing agencies, day-care facilities, community homes for developmentally disabled persons; community homes for severely disabled persons, and adult foster care facilities;

~~(8)~~ (5) act as lead agency in implementing and coordinating child-care programs and services under the Montana Child Care Act;

~~(9)~~ (6) administer the interstate compacts compact for children and delinquent youth;

~~(10)~~ (7) (a) administer child abuse prevention services funded through child abuse grants and the Montana children's trust fund provided for in Title 41, chapter 3, part 7; and

(b) administer elder abuse prevention services;

~~(11)~~ (8) (a) make a written evaluation of each plan developed

by the local family services advisory councils, as provided in 52-1-203, indicating those portions of each plan that will be implemented by the department, those portions that will not be implemented, and the reasons for not implementing those portions;

(b) develop a statewide youth services and resources plan that takes into consideration local needs as reflected in plans developed by the local family services advisory councils;

~~(12)~~(9) administer services to the aged;

~~(13)~~(10) provide consultant services to:

(a) facilities providing care for needy, indigent, handicapped, or dependent adults; and

(b) youth care facilities;

~~(14) utilize at maximum efficiency the resources of state government in a coordinated effort to:~~

~~(a) provide for children in need of temporary protection or correctional services; and~~

~~(b) coordinate and apply the principles of modern institutional administration to the institutions in the department;~~

~~(15) subject to the functions of the department of administration, lease or purchase lands for use by institutions in the department and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration:~~

~~(a) the needs of all institutions in the department for the food products that can be grown or produced on the lands; and~~

~~(b) the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions in the department;~~

~~(16)~~(11) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

~~(17) propose programs with specific goals and objectives to the legislature to meet the projected long range needs of institutions in the department, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions in the department;~~

~~(18)~~(12) contract, as necessary, with the county board of welfare for administration of child and adult protection services for that county; and

~~(19)~~(13) adopt rules necessary to carry out the purposes of 41-3-1126, ~~41-5-527 through 41-5-529~~, and this chapter."

Renumber: subsequent sections

26. Page 224, line 4.

Strike: "AND"

27. Page 224, line 5.

Following: "and"

Insert: "; and"

28. Page 224, line 6.

Following: "corrections"

Insert: "(h) the department of corrections"

29. Page 238, lines 11, 22, and 30.

Following: "~~corrections~~"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

30. Page 239, lines 5 and 6.

Following: "~~corrections~~" on line 5

Strike: remainder of line 5 through "SERVICES" on line 6

Insert: "corrections"

31. Page 239, line 9.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

32. Page 239, lines 14 and 15.

Following: "~~corrections~~" on line 14

Strike: remainder of line 14 through "SERVICES" on line 15

Insert: "corrections"

33. Page 239, lines 23 and 24.

Following: "~~corrections~~" on line 23

Strike: remainder of line 23 through "SERVICES" on line 24

Insert: "corrections"

34. Page 239, line 31.

Following: "~~corrections~~"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

35. Page 240, line 7.

Following: "~~corrections~~"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

36. Page 240, lines 9 and 10.

Following: "~~corrections~~" on line 9

Strike: remainder of line 9 through "SERVICES" on line 10

Insert: "corrections"

37. Page 240, line 12.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

38. Page 240, line 17.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

39. Page 240, line 20.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

40. Page 240, line 24.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

41. Page 240, lines 29 and 30.

Following: "~~services~~" on line 29.

Strike: remainder of line 29 through "SERVICES" on line 30

42. Page 240, lines 33 and 34.

Following: "~~corrections~~" on line 33

Strike: remainder of line 33 through "SERVICES" on line 34

Insert: "corrections"

43. Page 241, lines 11 and 12.

Following: "~~corrections~~" on line 11

Strike: remainder of line 11 through "SERVICES" on line 12

Insert: "corrections"

44. Page 241, line 14.

Following: "~~corrections~~"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

45. Page 241, lines 18 and 19.

Following: "~~corrections~~" on line 18

Strike: remainder of line 18 through "SERVICES" on line 19

Insert: "corrections"

46. Page 241, lines 32 and 33.

Following: "~~corrections~~" on line 32

Strike: remainder of line 32 through "SERVICES" on line 33

Insert: "corrections"

47. Page 242, line 10.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

48. Page 242, line 22.

Following: "~~corrections~~"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

49. Page 242, line 30.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

50. Page 243, lines 7 and 8.

Following: "~~corrections~~" on line 7

Strike: remainder of line 7 through "SERVICES" on line 8

Insert: "corrections"

51. Page 246, line 1.

Following: "to:"

Insert: ":"

52. Page 246, line 2.

Following: "(1)"

Insert: "(1)"

53. Page 246, line 3.

Following: "youth"
Insert: "and youth"
Following: "and"
Strike: "."
Insert: "; and"

54. Page 246, line 11.

Following: line 10

Insert: "(2) provide for the care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth who are referred or committed to the department."

55. Page 246, line 13.

Following: "youth"

Insert: "and youth"

56. Page 247, line 13.

Following: line 12

Insert: "(3) Youth correctional services consist of the following institutional components to diagnose, care for, train, educate, and rehabilitate youth pursuant to Title 52, chapter 5:

- (a) Mountain View school;
- (b) Pine Hills school; and
- (c) any other institution that provides care and services for delinquent youth."

Renumber: subsequent subsection

57. Page 247, line 17.

Following: "(1)"

Insert: "(1) "

58. Page 247, line 18.

Strike: "(1)"

Insert: "(a) "

Following: "and"

Insert: "rules necessary to carry out the purposes of 41-5-527 through 41-5-529 and"

Renumber: subsequent subsections

59. Page 248, line 6.

Following: "7"

Strike: "."

Insert: "; "

60. Page 248, line 24.

Following: line 23

Insert: "(g) administer all state and federal funds allocated to the department for youth in need of supervision and delinquent youth, as defined in 41-5-103;

(h) collect and disseminate information relating to youth in need of supervision and delinquent youth;

(i) maintain adequate data on placements that it funds

in order to keep the legislature properly informed of the specific information, by category, related to youth in need of supervision and delinquent youth in out-of-home care facilities;

(j) provide funding for and place youth who are alleged or adjudicated to be delinquent or in need of supervision and who are referred or committed to the department;

(k) administer youth correctional facilities;

(l) provide supervision, care, and control of youth released from a state youth correctional facility; and

(m) use to maximum efficiency the resources of state government in a coordinated effort to:

(i) provide for children in need of temporary protection or correctional services; and

(ii) coordinate and apply the principles of modern institutional administration to the institutions in the department.

(2) The department of corrections may enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of supervision and delinquent youth in youth care facilities."

61. Page 249, line 11.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

62. Page 249, lines 20 through 24.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

63. Page 353, lines 9 and 10.

Strike: "395 THROUGH 398"

Insert: "398 through 401"

64. Page 353, line 11.

Strike: "395 THROUGH 398"

Insert: "398 through 401"